

AMENDMENT TO THE DRAWINGS

Please replace FIGs. 5, 8 and 10 with the attached Replacement Sheets to correct discovered informalities.

REMARKS

By this amendment, claims 1-3, 5-12, 14-21, 23-30 and 32-40 are pending, in which claims 4, 13, 22 and 31 are canceled without prejudice or disclaimer, claims 1-3, 10-13, 19-21, 28-30 and 34-36 are currently amended, and claims 37-40 are newly presented. Care was exercised to avoid the introduction of new matter.

The Office Action mailed November 10, 2004 rejected claims 1-36 under 35 U.S.C. § 102 as anticipated by *Balboni et al.* (WO 93/11622).

Applicants have amended the Specification and Drawings to correct discovered informalities.

To advance prosecution, Applicants have amended independent claims 1, 10, 19 and 28. These claims now recite "performance enhancing functions relating to **performance of the communication system**" and "receiving one or more prioritization parameters from the platform, the **prioritization parameters being associated with the performance enhancing functions.**" By contrast, the applied art of *Balboni et al.* merely discloses an ATM system capable of policing cell flow, without any mention of "performance enhancing functions relating to **performance of the communication system.**" The cited passages, Abstract, FIG. 4, page 1: 24-31, page 3:5-9 and 19-29, describe, in generalities, the negotiation of traffic parameters during the call set up phase so as to guarantee the quality of service (QoS). Such parameters, however, are not "**associated with the performance enhancing functions.**"

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, based on the foregoing, it is clear that *Balboni et al.* does not anticipate claims 1, 10, 19 and 28, particularly as amended. Accordingly, Applicants respectfully urge the indication that these independent claims, along with their corresponding dependent claims 2, 3, 5-9, 11, 12, 14-18, 20, 21, 23-27, 29, 30 and 32-36, are allowable.

Turning now to newly added dependent claims 37-40, these claims should be allowed for the reasons put forth for the allowability of independent claims 1, 10, 19 and 28. Dependent claims 37-40 recite "wherein the performance enhancing functions include spoofing of a connection for transport of the information by selectively intercepting the information and modifying the information, the spoofed connection being prioritized among a plurality of spoofed connections." These features are not present in the art of record.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 601-7252 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Plastrik', followed by the date '2-8-05'.

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